

1 **LOREN S. YOUNG, ESQ.**
Nevada Bar No. 7567
2 **MARK B. BAILUS, ESQ.**
Nevada Bar No. 2284
3 **LINCOLN, GUSTAFSON & CERCOS, LLP**
ATTORNEYS AT LAW
4 3960 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169
5 Telephone: (702) 257-1997
Facsimile: (702) 257-2203
6 lyoung@lgclawoffice.com
mbailus@lgclawoffice.com
7

8 Attorneys for Defendant, TARGET CORPORATION

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 LIDETTE DENNEY, an individual,
12
13 Plaintiff,

14 v.

15 TARGET CORPORATION; DOES I-X; and
ROE COMPANIES I-X, inclusive,
16 Defendants.

CASE NO: 2:19-cv-01157-APG-DJA

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**

(Sixth Request)

17
18 Plaintiff, LIDETTE DENNEY, by and through her counsel of record, PAUL S. PADDA, ESQ.
19 of PAUL PADDA LAW and Defendant, TARGET CORPORATION, by and through its counsel of
20 record, LOREN S. YOUNG, ESQ. and MARK B. BAILUS, ESQ. of the law firm LINCOLN,
21 GUSTAFSON & CERCOS, LLP, hereby stipulate and request that the Court extend the remaining
22 discovery and dispositive motion deadlines by approximately ninety (90) days. This is the parties' sixth
23 request to extend discovery and dispositive motion deadlines in this matter.

24 Pursuant to Local Rule 26-3, the parties state as follows:

25 **I. DISCOVERY COMPLETED TO DATE**

- 26 a. The parties conducted the Fed. R. Civ. P. 26(f) conference on July 15, 2019.
27 b. The parties have exchanged initial disclosures of documents and lists of witnesses
28 and supplements thereto.

- c. Defendant has propounded requests for production of documents and interrogatories on Plaintiff and Plaintiff has responded to these discovery requests.
- d. Plaintiff has propounded requests for production of documents and interrogatories on Defendant and Defendant has responded to these discovery requests.
- e. Defendant has received HIPAA authorizations from Plaintiff.
- f. FRCP medical examination of Plaintiff.
- g. Disclosure of initial and rebuttal expert witnesses.

II. DISCOVERY TO BE COMPLETED

- a. Deposition of Rule 30(b)(6) designee(s) of Target Corporation.
- b. Depositions of fact witnesses.
- c. Depositions of treating physicians and/or retained experts.
- d. Supplemental responses to written discovery.
- e. Other discovery as necessary.

The above list is made without prejudice to the parties' ability to conduct additional discovery consistent with the Federal Rules of Civil Procedure.

III. REASONS WHY THE DEADLINES CANNOT BE COMPLETED WITHIN THE CURRENT SCHEDULE

This matter is a personal injury claim, where the Plaintiff is alleging injuries due to a slip and fall on the premises of Defendant in Las Vegas, Nevada. Defendant has denied liability. Currently, Plaintiff is claiming past and future medical and other damages. Although the parties have been actively participating in the discovery process, there is pertinent discovery that remains to be completed.

Due to the COVID-19 pandemic and attendant safety protocols and restrictions, the parties have had difficulty scheduling depositions including expert witnesses. Most notably, Defendant's retained experts are represented by Tracey L. Heinhold Keith, Esq., who due to hearing loss is required to wear hearing aids. However, Ms. Keith advises that her hearing loss is the type that is not particularly well-suited for hearing aids and to understand what is being said during a deposition she must be able to read lips to augment what she can hear with her hearing aids. Currently, Nevada has in place a statewide COVID-19 mask mandate so not wearing a mask during a deposition is not an option. While eventually

1 the COVID-19 mask mandate will be lifted, such will not likely occur before the current discovery
2 deadline. Unfortunately, Ms. Keith advises she cannot read lips if the person speaking is wearing a
3 mask, even a clear mask. Even if it was possible to waive the mask mandate, Ms. Keith advises she is
4 considered high risk for a negative outcome if she contracts COVID-19 and as of this date, has not been
5 fully vaccinated and as such, intends to follow her doctors guidance and not expose herself to unmasked
6 persons, vaccinated or not. The parties would request the Court to continue, *inter alia*, the discovery
7 deadlines ninety (90) days in order to accommodate Ms. Keith's disability and to ensure she is safe from
8 COVID-19 and its variants. Consequently, additional time is necessary in order to complete the
9 remaining discovery. The parties agree that this request is not made for the purpose of delay, but to
10 ensure a just adjudication of the case on the merits, and that neither party will be prejudiced by the
11 requested extension.

12 II. PROPOSED SCHEDULE

13 WHEREFORE, the parties respectfully request that this Court extend discovery deadlines as
14 follows:

15 EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
16 Discovery Deadline	June 22, 2021	September 20, 2021
17 Dispositive Motions	July 23, 2021	October 21, 2021
Pretrial Order	August 20, 2021	November 18, 2021

18 DATED this 26th day of May, 2021.

DATED this 26th day of May, 2021.

19 LINCOLN, GUSTAFSON & CERCOS, LLP

PAUL PADDA LAW

20 /s/ Mark B. Bailus

/s/ Paul S. Padda

21 LOREN S. YOUNG, ESQ.

21 PAUL S. PADDA, ESQ.

22 Nevada Bar No. 7567

Nevada Bar No. 10417

23 MARK B. BAILUS, ESQ.

4560 S. Decatur Blvd., Suite. 300

24 Nevada Bar No. 2284

Las Vegas, NV 89103

25 3960 Howard Hughes Parkway, Suite 200

Attorneys for Plaintiff,

26 Las Vegas, Nevada 89169

LIDETTE DENNEY

27 Attorneys for Defendant,

28 TARGET CORPORATION

ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATED: 5/28/2021